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PTO/SB/21 (09-06)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

		Application Number	10/789971
		Filing Date	03/01/2004
		First Named Inventor	JAMES ROBERT MACMILLAN
		Art Unit	3635
		Examiner Name	CHAPMAN, JEANETTE E.
Total Number of Pages in This Submission	13	Attorney Docket Number	JRM200

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> Remarks PETITION DATED 11/30/2006 TO WITHDRAW NOTICE OF ABANDONMENT COPY OF NOTICE OF ABANDONMENT DATED 11/24/2006 COPY OF AUTO-REPLY FACSIMILE TRANSMISSION DATED 08/08/2006 COPY OF TRANSMITTAL FORM DATED 08/08/2006 FOR ADMENDMENT IN RESPONSE TO OA DATED 04/20/2006
<input type="checkbox"/> Extension of Time Request		
<input type="checkbox"/> Express Abandonment Request		
<input type="checkbox"/> Information Disclosure Statement		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LAW OFFICE OF ASHKAN NAJAFI, P.A.		
Signature	/ASHKAN NAJAFI/		
Printed name	ASHKAN NAJAFI		
Date	11/30/2006	Reg. No.	49,078

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	/VICKIKVANSICKLE/		
Typed or printed name	VICKI K. VAN SICKLE	Date	11/30/2006

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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No. 0778 P. 2

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UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/789971
Applicant : James Robert MacMillan
Filed : 03/01/2004
TC/AU : 3635
Docket No. : JRM200
Customer No. : 34356

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

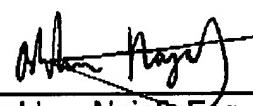
PETITION TO THE COMMISSIONER OF PATENTS

Sir:

Applicant respectfully requests the Notice of Abandonment dated 11/24/2006 (included herewith) to be withdrawn because Applicant submitted a complete and timely response to the Office Action letter mailed on 04/20/2006, of which a complete copy is enclosed. A copy of the Auto-Reply Facsimile Transmission is also enclosed as prima facie evidence of a proper and timely filed response. A copy of the transmittal form dated 08/08/2006 and Petition For Extension Of Time Form dated 08/08/2006 also serves as prima facie evidence of a proper and timely filed response.

Respectfully submitted,
Law Office of Ashkan Najafi, P.A.

By _____


Ashkan Najafi, Esq.
Reg. No. 49,078
Customer No. 34,356

Law Office of Ashkan Najafi
6817 Southpoint Parkway
Suite 2301
Jacksonville, FL 32216

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,971	03/01/2004	James Robert MacMillan	JRM200	9422

34356 7590 11/24/2006
ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE, FL 32216

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EXAMINER	
CHAPMAN, JEANETTE E	
ART UNIT	PAPER NUMBER
3635	

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Abandonment	Application No.	Applicant(s)
	10/789,971	MACMILLAN, JAMES ROBERT
	Examiner	Art Unit
	Chapman E. Jeanette	3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 4/20/06
(a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
(b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
(c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
(d) No reply has been received.
2. Applicant's failure to timely pay the required Issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
(a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
(b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
(c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
(a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
(b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:


JEANETTE E. CHAPMAN
PRIMARY EXAMINER
GROUP 2400

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
DTOL 1432 (Rev. 04.01)

Notice of Abandonment

Part of Paper No. 20061120

PAGE 4/13 * RCVD AT 11/30/2006 5:04:06 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-2/19 * DNIS:2738300 * CSID:9042960056 * DURATION (mm:ss):04:10

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Total Pages: 10 (Including cover pag

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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